

REMARKS

In response to the Patent Office action dated August 28, 2006, applicant provides the following arguments.

Claims 2-20 are rejected under 35 U.S.C 112. Claim 20 has been amended to remove the objectionable phrase.

The Claims 2-20 of the application were rejected as unpatentable under 35 U.S.C. 103 over Wolfsteiner in view of Wickham or Blossch, as well as other references. These rejections are respectfully traversed.

Claim 20 is directed specifically towards a brake application system including:

a wear adjuster having a helical gear which has a threaded spindle and a nut which can be screwed thereto as screw connection parts;

one screw connection part of the helical gear being electrically driven for the wear adjusting; and

another screw connection part of the helical gear being electrically driven for an emergency and/or auxiliary release of the brake.

The rejection indicates that Wolfensteiner includes motors 24 and 26 and nut/spindle unit 58. First, electromagnetic blocking brake 26 (column 2, lines 41-42) is not a motor, but a brake for the motor 24 (column 3, lines 52-53). Even if 24 and 26 were both motors, they both act on the same screw connection part 34. Thus, Wolfensteiner only has one motor driven screw connection part 34.

Wolfensteiner does not teach that the other screw connection part of the helical gear *being electrically driven* for an emergency and/or auxiliary release of the brake. It cannot meet the limitation of Claim 20 nor form the bases for modification to incorporate driving the other screw connection part 58 without major modification and hindsight reconstruction.

Blossch shows an electric readjusting motor 50 driving a readjusting gear 48 having gear wheels to rotate a spindle 56 of a spindle drive to displace a nut 60 axially on the spindle 56 (see Fig. 1 and column 3, lines 55-64). But, this reference does not disclose that the spindle 56 or the nut 60 of the spindle-nut-combination 56/60 is electrically driven for an emergency and/or auxiliary release of the brake. If it were so used it would drive the same screw connection part as it drove for the wear adjustment.

Similarly, Wickham does not disclose that the spindle 56 or the nut 60 of the spindle-nut-combination 56/60 is electrically driven for an emergency and/or auxiliary release of the brake. Wickham shows that the second motor 26 is used to adapt the brake force dependent

upon the load of the vehicle (see column 4, lines 7 to 34). In other words, the motor 26 increases the brake force in case of a higher load and decreases the brake force in case of a smaller load. But this load dependent variation of the brake force does not have anything in common with an auxiliary or emergency release of a brake.

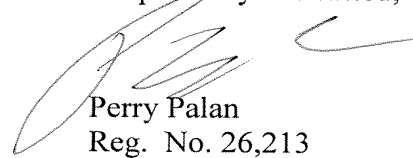
Thus, the features of Claim 20 are not anticipated nor obvious over the cited references.

Claims 2-19 depend from one the allowable independent claim and they are considered to be allowable for at least the same reasons as Claim 20 and for their own limitations as well, and such is respectfully requested.

In view of the above, Claims 2-20 and the application are in condition for allowance and such is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Barnes & Thornburg LLP Deposit Account No. 02-1010 (566/42763).

Respectfully submitted,



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